



**City of Duluth
Planning Division**

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

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MEMORANDUM

DATE: February 5, 2014
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: Proposed Text Amendments to the UDC

The Planning Division is submitting recommendations for text changes to the Unified Development Chapter (UDC). Staff recommend that the Planning Commission review the changes and, if appropriate, make a motion to recommend that the City Council approve the text amendments. The proposed changes have been discussed at a public information meeting on December 2, 2013, and also at published public hearings at the December 10 and January 14 Regular Planning Commission meetings.

The Planning Division intends to submit one more UDC change in the near future concerning the quick platting process. In addition, near the end of this year the Engineering division will be asking for some modification of the storm water management language. Other than those two items, the Planning Division does not anticipate any additional changes in the next 12 to 16 months.

For ease of discussion, staff have segregated the UDC changes into three draft ordinances: one for proposed form district changes, one for requested Department of Natural Resources changes (required to bring the city into compliance with minimum requirements for the Flood Insurance Program), and one for changes that the Planning Division are recommending to improve and clarify existing language.

Brief Summary of Form District Changes

Section 1:

- Label images to more clearly identify different form district building types

Section 2:

- Move language that better defines form district building types to more appropriate location.
- Add clarifying sentence to Iconic Buildings.
- Add language to better explain how to calculate height in form districts (this language comes from Land Use Supervisor Interpretations 13-001 and 13-002).
- Reduce minimum build to zone for Main Street I and Corridor Building I to 65% (from 85% /75%)
- Reduce minimum rear yard setback to 0 feet for Main Street III and Corridor III (from 5 feet)
- Reduce minimum landscape for Corridor Building I and Cottage Commercial Building I to 10% (from 15% and 20% respectively)
- Add "double side aisle parking" to Corridor Building I and Cottage Commercial Building I (currently allowed rear or single side aisle parking).
- Add "single, or double side aisle parking" in Main Street I (currently rear only)
- Allow 2 driveways if 300 feet of frontage for Main Street III and Corridor III (currently 1 driveway allowed if no alley).
- Increase street façade entrances required from 1 per 75 feet to 1 per 50 feet for Main Street Building I and Corridor Building I
- Remove ground and upper story floor to ceiling restrictions for all form district building types.

Brief Summary of DNR Requested Flood Plain and Flood Hazard Changes

Section 1:

- List all the specific maps impacting Duluth.
- Maps to be stored in the Land Use Supervisor's Office.
- Clarify the difference in flood way, flood fringe, and general flood plain.
- Clarify allowed uses and requirements in flood way (also added clarification on road-ready recreational vehicles and sand/gravel operations). Clarify special uses (also added clarification on floodproofing accessory structures).
- Clarify allowed uses and requirements in flood fringe (also added note on securing manufactured homes and recreational vehicles).
- Minor edit change to general flood plain.
- Add language in general flood plains that if a property owner does not want to do a flood way/flood fringe evaluation, they can presume their land is in the flood way (note, this is a city addition, not DNR requested).
- Add language for new subdivisions in flood plains.
- Add language for on-site water systems and on-site sewage systems (septic tanks).
- Add language limiting future amendment process (note that this new language requires DNR approval before amending this specific section. City added clarification that this restriction also applies only to changing the official map relating to flood plain designation).
- Change table 50-18.1.D-1 to add footnote clarifying when lowest floor elevation of 3 feet is not necessary (note, this is a city addition for clarity, not DNR requested).

Section 2:

- Revise variance criteria. Note that standard for most variances is "practical difficulties or exceptional or undue hardship," whereas the variance from flood plain regulation is "exceptional hardship." Also, changes require advanced 10 day notice to flood plain variances sent to DNR. Also, add additional conditions to variances.
- Added clarity on how to calculate assessed market value of variance for reconstruction of non-conforming structure

Section 3:

- Add language for flood plain permits.

Section 4:

- Replace non-conforming language for flood hazard areas.
- Added clarity on how to calculate assessed market value of non-conforming structure (note that standard is being changed to 60%, from 50%, for non-flood hazard related non-conformities).

Sections 5 to 11:

- Add/amended several definitions required to conform to DNR/FEMA standards.

Brief Summary of Clarifying Text Amendments

Section 1:

-Reduce front yard setback from 25 to 20 feet (to support the option of more pedestrian friendly development)

Section 2:

-Increase maximum height for non-residential structures from 45 to 60 feet.

Section 3:

-Clarify primary streets for the Higher Education Overlay District.

Section 4:

-Remove and rewrite the use table legend (the current legend is blocky and consumes too much of the table).

-Add language in the use table to more clearly indicate when a Planning Commission Review may be required (in the past some citizens have confused staff "Plan Review" with "Planning Commission Review").

-Add language in the use table to more clearly indicate when additional standards from the Higher Education Overlay District may be required.

-Add Manufactured Home Park as special use in R-1, R-2, and MU-N, and permitted in R-P.

-Add multi family as permitted use in R-P.

-Add large day care facility as permitted use in R-P.

-Add veterinarian or animal clinic as a permitted use in the F-1, F-3, and F-6 zones.

-Remove University and College, Bank, Personal Service and Repair Larger, and Parking structure, removed from R-P (currently listed as Interim Uses).

-Remove distinction between restaurants with drive throughs and without drive-throughs (note: additional requirements added to the use specific standards to reduce conflict between land uses. Similar language being added for retail and banks when located in MU-N).

-Change name of Tourist or Trailer Camp to Recreational Vehicle Park (DNR/FEMA term).

-Add building types allowed in form districts to the use table (for easier citizen access).

Section 5:

-Add standards for manufactured home parks.

Section 6:

-Add standards for Recreational Vehicle Park (and remove tourist and trailer camp).

-Remove distinction between restaurants with drive throughs and without drive-throughs and add standards.

Section 7:

-Clarify where zoning encroachments are allowed as shown on Table 50-21.3.1. Also clean up language related to exception to building height limits (religious assembly or ornamental spires and towers).

Section 8:

-Amend the parking calculation on Table 50-24.1 as follows: 1) clarify that the base requirement may be modified to 30% less or 50% more, 2) add uses that were overlooked from 50-19 (bus or rail transit station, convention and event center, data center, filling station, grocery store, personal service or repair, preschool, and vacation dwelling unit, 3) change name of "automobile filling station" to "filling station" and "personal service or repair not listed" to "personal service or repair" to match 50-19, 4) eliminate distinction between restaurant with drive through and restaurant that doesn't have drive-through, and 5) change calculation to a per 1,000 square feet where possible/appropriate.

Section 9:

- Clarify where parking is allowed on a lot on table 50-24.3.
- Add option to create pedestrian walkway in parking area to allow property owner to place more parking spaces in the front yard than normally allowed (50% versus 60%).

Section 10:

- Add additional parking option (75 degrees) and reduce minimum required width of parking aisle (from 25 feet for two-way to 24 feet) on table 50-24.7. Added clarification that parking and driveway entrances must meet design standards of the City Engineer.

Section 11:

- Clarify when tree canopy coverage is required.

Section 12:

- Add clarification for size limitation on the size of general, non-commercial signs (note that prior to the sign amendments last year, the maximum size was limited to 6 or 8 square feet).

Section 13:

- Clarify where electronic message centers are allowed

Section 14:

- Land Use Supervisor given authority to approve alternative design standards for plats when relating to road frontage (currently is listed as city engineer).

Section 15:

- Amend the summary table to require a sign notice when doing a quick plat (currently no public notice is required) and clarify when planning review is needed.
- Minor adjustment to powers of Land Use Supervisor to administratively approve 1 extra parking space beyond the maximum allowed.
- All final subdivision plats to be recorded 180 days after approval (instead of 90).

Section 16:

- Fix error concerning Heritage Preservation Commission (incorrectly labeled Historic Preservation Commission).